

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on 08/05/10 after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action (OA) has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/10 has been entered.
2. Support for amended claim 1 is found in the specification (e.g. page 15 lines 3-7).
3. As indicated in the advisory action (AA) mailed on 01/26/10, the 112-first paragraph rejections as set forth in the OA mailed on 07/09/09 are withdrawn.
4. In view of applicant's amendment to claim 1 reciting "wherein the concentration of anionic emulsifier (B) containing a sulfur atom is increased inward from the surface", the 103(a) rejections based on Lucast et al. (WO00/78884) in view of Coopridier et al. (US 5,571,617), Imamura et al. (US 5,783,209), and further as evidenced by Istvan Benedek and Luck J. Heymans (*Pressure-Sensitive Adhesive Technology*, Marcel Dekker Inc., Chapter 8, page 412, 1997) wherein US 6,518,343B1 to Lucast et al. is relied upon as equivalent document for WO 00/78884 are withdrawn.
5. New 112-second paragraph rejections to claims 3, 5, and 6 are made in view of applicant's amendment.

Allowable Subject Matter

6. Claims 1, 2, 4, and 7 are allowed.
7. The following is the Examiner's statement of reasons for allowance:
8. The closest prior art to the presently claimed invention is Coopridier et al. (US 5,571,617). Coopridier discloses a coated sheet material comprising a backing and a coating of repositionable pressure-sensitive adhesive (abstract). While the PSA of Coopridier contains surfactant (see column 6 lines 21-47), Coopridier fails to teach or suggest the concentration of anionic emulsifier (surfactant) in a proportion from 0.1 to 3 parts by weight in the surface portion of the PSA layer within the range of up to 3 nm inward from the outer face of the PSA layer. Additionally, Coopridier fails to teach or suggest the concentration of anionic emulsifier containing a sulfur atom increases inward from the surface as presently claimed. Accordingly, claims 1, 2, 4, and 7 are allowed. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Objections

9. Claims 3, 5, and 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

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Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 3 recites proportion of anionic emulsifier B from 0.5 to 5 parts. Claim 3 depends from claim 1, which recites proportion of the emulsifier B from 0.1 to 3 parts by weight. As such claim 3 is broader in scope than claim 1. Similar observation is made with respect to claims 5 and 6 which recite emulsifier concentration of e.g. 0.5 to 5 parts by weight (claim 5) and 3 to 5 parts by weight (claim 6).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Regarding claim 3, this claim recites proportion of anionic emulsifier B from 0.5 to 5 parts. Claim 3 depends from claim 1, which recites that the proportion of the emulsifier B from 0.1 to 3 parts by weight. Given that claim 3 depends from claim 1 and claim 1 already recites a concentration of the emulsifier at certain distance from the surface of the PSA, it is unclear as to how does the concentration mentioned in claim 3 relates to the concentration mentioned in claim 1.

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12. With respect to claims 5 and 6, said claims recite multiple concentrations of emulsifier. For example, these claims recite concentration of the emulsifier in the outermost layer of the multilayer PSA and then also recite concentration of the emulsifier in the multilayered PSA. Given that these claims depend from claim 1 which also recites emulsifier concentration within certain distance (3 nm) from the surface of a PSA; claims 5-6 when read in view of claim 1 raises issue of ambiguity. Further, it is not clear how the whole of the adhesive layer can have an amount of emulsifier of 0.5-5 parts based on 100 parts by weight of the monomer components as required in claim 5 and the adhesive layer also have an amount of emulsifier in a portion of the layer that is different than that of the whole.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH DESAI whose telephone number is (571)272-6467. The examiner can normally be reached on Monday-Friday, 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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/A. D./

Examiner, Art Unit 1788

/Callie E. Shosho/

Supervisory Patent Examiner, Art Unit 1787